

Appin. Serial No. 09/836,952
Amendment dated September 4, 2007
Reply to Office Action Mailed June 1, 2007

REMARKS

In the Office Action dated June 1, 2007, the Specification was objected to; claims 13-19 and 31-35 were rejected under 35 U.S.C. § 101; and claims 1-38 were rejected under § 102 over Non-Patent Literature (NPL) by Roland Ljungh, "WIPS Technical Documentation" (Ljungh).

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SPECIFICATION OBJECTION

To address the objection raised by the Specification, page 10 of the Specification has been amended to add the following sentence: "A computer-usable medium embodying computer program code for the context-aware computer management is provided." This language is directly supported by originally filed claim 13, which forms part of the original disclosure of the present application. Therefore, no new matter has been added by this amendment.

Withdrawal of the objection is respectfully requested.

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REJECTION UNDER 35 U.S.C. § 101

Independent claim 13 was rejected under § 101 as being directed to non-statutory subject matter. The Office Action stated that the term "medium" "would have reasonably been interpreted by one of ordinary skill as other than physical articles or objects to act as a hardware component and realize its functionality." 6/1/2007 Office Action at 4. The Office Action concluded that the claim "is not limited to useful manufactures within the meaning of 101, and since it's not a process, machine or composition of matter, it's non-statutory." *Id.*

To address the rejection raised by the Office Action, the language "that when executed by a computer causes performance of" has been added to the preamble of claim 13 to explicitly recite that the computer program code when executed by a computer causes the tasks of claim 13 to be performed. Thus, a person of ordinary skill in the art would recognize that the computer-usable medium constitutes an article of manufacture that is clearly statutory within the meaning of § 101.

Claim 31 has been amended to delete the language "an article comprising a." Instead, claim 31 now recites a "computer-usable medium containing program code that when executed cause a computer to" perform the recited tasks. The Office Action stated that the "article" of claim 31 "is not limited to useful manufactures within the meaning of 101." Applicant respectfully disagrees with this assessment, as claim 31 clearly calls for a computer-usable medium containing program code that when executed cause a computer to perform the recited tasks. As set forth in the M.P.E.P., a claimed computer-readable medium encoded with a computer program is a computer element which defines structural and functional interrelationships between the computer program and the rest of the computer, which permit the computer program's functionality to be realized, and is thus statutory. M.P.E.P. § 2106.01 (8th ed., Rev. 5), at 2100-18.

In view of the foregoing, it is respectfully submitted that the § 101 rejection has been overcome.

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REJECTION UNDER 35 U.S.C. § 102

All claims were rejected as being anticipated by Ljungh. Applicant respectfully disagrees with the rejection as Ljungh does not disclose each and every element of the claimed subject matter.

Claim 1 recites, *inter alia*, identifying a lowest clearance level from among the clearance levels assigned to the smart badges within the boundary, and providing access to that sub-set of the information (stored on a computer) having a clearance level no higher than the lowest identified clearance level.

As disclosing these two elements of claim 1, the Office Action cited page 16, § 4.2.8 of Ljungh (as corresponding to the identifying element of claim 1) and page 15, § 4.2.1 of Ljungh (as corresponding to the providing element of claim 1).

Section 4.2.8 of Ljungh refers to a guest badge that is the same as an ordinary badge other than in appearance and lower priority levels regarding access to certain areas. Other than reference to a guest badge and the fact that a guest badge has lower priority levels regarding access to certain areas, there is absolutely no teaching provided in § 4.2.8 of Ljungh of "identifying a lowest clearance level from among the clearance levels assigned to the smart badges within the boundary." This is a first point of error made by the Office Action.

Section 4.2.1 of Ljungh refers to door opening features using the badges described in Ljungh. This section of Ljungh refers to the desire for automatic door opening that uses badge authentication. The passage also refers to verifying that the badge is in the possession of its owner by using a voice sensor on the badge for authentication through voice identification. The passage also notes that as the badge owner approaches the door in question, the badge receives a challenge question from an IR transceiver positioned at the door, and the owner must authenticate himself within a certain time to grant the owner access through the door.

Contrary to the assertion made in the Office Action, there is absolutely no teaching in § 4.2.1 of Ljungh of providing access to that sub-set of information having a clearance level no higher than the *lowest identified clearance level* (which was identified from among the clearance levels assigned to the smart badges within the boundary). All § 4.2.1 of Ljungh teaches is automatic door opening based on voice authentication – there is no teaching of providing access

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to that sub-set of the information having a clearance level no higher than the lowest identified clearance level.

In the citation of § 4.2.1 of Ljungh, the Office Action referred to access in Ljungh being "given in accordance with different security levels." Although that discussion does not appear in § 4.2.1 of Ljungh, it is noted that § 4.1.1 of Ljungh refers to a security system with "different levels of access" that can be configured by the users themselves. However, the reference to the security system with different levels of access is completely un-related to the subject matter recited in claim 1, which refers to identifying a lowest clearance level from among the clearance levels assigned to smart badges within the boundary (as detected by a wireless beacon), and providing access to that sub-set of the information having a clearance level no higher than the lowest identified clearance level.

In view of the foregoing, it is respectfully submitted that claim 1 is clearly not anticipated by Ljungh.

Independent claims 12, 13, 20, 21, 31, and 36 are similarly allowable over Ljungh.

Dependent claims are allowable for at least the same reasons as corresponding independent claims. Moreover, dependent claim 10 recites assigning an expiration period to each of the smart badges, and de-authenticating and erasing all data stored on a smart badge whose expiration period has been exceeded. With respect to the expiration period, the Office Action cited page 9, first paragraph, of Ljungh, which refers to a thread at a badge server serving a specific badge until the badge either closes the connection or a timeout occurs. The Office Action stated that the timeout is interpreted as being the expiration period of claim 10. 6/1/2007 Office Action at 8. With respect to the de-authenticating and erasing element, the Office Action cited page 14, § 4.1.5, second paragraph, of Ljungh, which refers to use of an administration tool to remove data. However, the removal of data as performed in § 4.1.5 of Ljungh is *not* based on the expiration period (timeout noted on page 9 of Ljungh) having being exceeded. Therefore, claim 10 is not anticipated by Ljungh for this additional reason.

Dependent claim 19, which depends from claim 13, is similarly further allowable over Ljungh.

Dependent claim 29, which depends from claim 28, which in turn depends from claim 1, further recites the use of a first wireless beacon and a second wireless beacon, where detecting which smart badges are located within the predefined boundary is based on the first and second

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wireless beacons, and where the second wireless beacon is able to communicate with smart badges outside the predefined boundary, and the first wireless beacon is blocked from communicating with smart badges outside a predefined boundary.

The Office Action cited page 17 of Ljungh as disclosing the use of RF receivers/transmitters. A stated drawback of RF is that RF signals travel through walls. However, note that the radio technology described in § A.2 of Ljungh is proposed as an *alternative* to the IR technology. Therefore, it is clear that Ljungh does not disclose the use of both IR and RF beacons for the purpose of detecting which smart badges are located within the predefined boundary.

Claim 29 is thus further allowable for the above reasons.

Dependent claim 37, which depends from independent claim 36, is also further allowable for similar reasons as claim 29.

In view of the foregoing, allowance of all claims is respectfully requested. The Commissioner is authorized to charge any additional fees and/or credit any overpayment to Deposit Account No. 08-2025 (10005248-1).

Respectfully submitted,

Date: _____

Sept 4, 2007



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